

FISCAL NOTE

SB 2858 - HB 2935

February 6, 2004

SUMMARY OF BILL:

- Creates a presumption that a municipality is abusing its police power if the revenue produced by fines and costs arising from traffic citations exceeds 30% of the municipality's total expenditures or if more than 50% of all traffic citations issued by the municipality are written for speed limit violations that are 10 m.p.h. or less than the posted limit.
- Specifies that TBI shall investigate upon a request from the district attorney and determine whether the municipality is abusing its police power. Municipalities are required to submit pertinent records to the TBI.
- Specifies sanctions to be imposed by the chancery court if the district attorney finds that abuse of power has taken place, including ordering the municipality to cease patrolling certain roadways or ordering the municipality to pay a percentage of fines arising from traffic citations to the local education agency.
- Provides that an official or employee intentionally violating these provisions commits contempt of court (does not specify whether contempt is civil or criminal).

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures - \$50,990 Recurring
\$19,320 One-Time**

Decrease State Revenues - Not Significant

Local Govt. Revenues - Net Impact - Not Significant

Increase Local Govt. Expenditures - Not Significant

Other Fiscal Impact - To the extent sanctions are imposed on the municipality requiring payment of a percentage of fines to the local education agency there will be a shift in revenues from one local governmental entity to another. This shift is estimated to be not significant.

Estimate assumes:

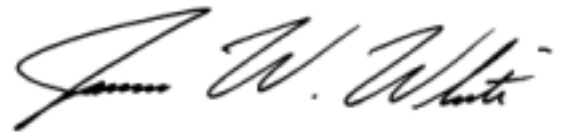
- one auditor position in the TBI to conduct investigations based on district attorney referrals with salary and benefits of \$41,760.
- one-time expenditures for computer equipment, office furniture, and a motor vehicle to allow for statewide travel in investigation of \$19,320 for TBI personnel.

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- recurring expenditures for travel, motor vehicle maintenance and insurance, supplies and training of \$9,230.
- while many investigations may be required, few departments would be found to have committed abuse of power under the provisions of the bill.
- increases in local government revenues and expenditures depends on the number of individuals convicted of contempt of court under the provisions of the bill and the cost to local governments to confine such persons versus the increased revenues from fines levied and collected for such offense. Such increases are estimated to be not significant.
- decrease in local government and state revenues from fines to the extent a municipality is ordered to cease patrolling. State receives fines for many moving violations pursuant to TCA 55-10-303.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with a large initial "J" and "W".

James W. White, Executive Director